

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

**DAN MITCHELL**

**CIVIL ACTION NO. 15-1064-P**

**VS.**

**JUDGE HICKS**

**DR. HEARN, ET AL.**

**MAGISTRATE JUDGE HORNSBY**

**MEMORANDUM ORDER**

Before the court is a civil rights complaint filed in forma pauperis (“IFP”) by pro se plaintiff Dan Mitchell (“Plaintiff”), pursuant to 42 U.S.C. § 1983. This complaint was received and filed in this court on April 6, 2015. Plaintiff is incarcerated in the David Wade Correctional Center in Homer, Louisiana.

Plaintiff alleges that on March 11, 2015, he was forced to slide to and from the shower and sit on the filthy shower floor while handcuffed. He claims that he has been denied a duty status and proper medical treatment for his back spasm deformities. He claims he is in unbearable pain and his leg function is deteriorating. He claims that this “leaves him in imminent danger of serious physical injury.” He prays for monetary damages and court fees. He names Dr. Fuller, Jerry Goodwin, Lt. Furgerson, Captain Rowal, Sgt. Sullivan, Lonnie Nail, Sgt. Hammett, and Pamela Renee Hearn as defendants.

After granting Plaintiff’s Motion for Leave to Proceed In Forma Pauperis, it has come to the court’s attention that Plaintiff has had at least three civil rights lawsuits dismissed as frivolous or for failure to state a claim: Mitchell v. Wilkinson, 04-cv-2023; Mitchell v.

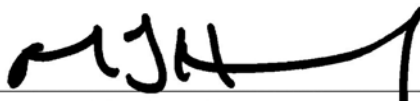
Wilkinson, 05-cv-1432; and Mitchell v. Heyse, 08-cv-1606.

28 U.S.C. § 1915(g) prohibits prisoners from repeatedly filing frivolous or malicious complaints unless the prisoner is under imminent danger of serious physical injury. Plaintiff's allegations in this case, which center around his denial of a duty status for back spasm deformities, are insufficient to demonstrate that he was in imminent danger of serious physical injury at the time he filed this lawsuit.

Therefore, the April 23, 2015 order granting Plaintiff in forma pauperis status [Doc. 7] is hereby **REVOKED** and **RESCINDED**;

In order for this complaint and its associated motions and pleadings to remain viable, Plaintiff must pay the full filing fee of \$400.00 within fourteen (14) days from the date of this order. FAILURE TO PAY THE FULL FILING FEE WILL RESULT IN THE PLEADINGS BEING DISMISSED AND STRICKEN FROM THE RECORD.

**THUS DONE AND SIGNED** in Chambers, in Shreveport, Louisiana this 14th day of August, 2015.

  
Mark L. Hornsby  
U.S. Magistrate Judge